

United States Bankruptcy Court for the:

Southern District of New York

Case number (if known): \_\_\_\_\_

Chapter you are filing under:

- ☐ Chapter 7  
☒ Chapter 11  
☐ Chapter 12  
☐ Chapter 13

☐ Check if this is an amended filing

## Official Form 201

## Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name DeNardo Capital II LLC

2. All other names debtor used in the last 8 years

Include any assumed names, trade names, and *doing business as* names

3. Debtor's federal Employer Identification Number (EIN) 83-2850404

4. Debtor's address

Principal place of business

Mailing address, if different from principal place of business

86 Main Street

Number Street

Number Street

P.O. Box

Irvington NY 10533

City State ZIP Code

City State ZIP Code

Location of principal assets, if different from principal place of business

Westchester County

County

Number Street

City State ZIP Code

5. Debtor's website (URL)

6. Type of debtor

- ☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))  
☐ Partnership (excluding LLP)  
☐ Other. Specify: \_\_\_\_\_

Debtor DeNardo Capital II LLC  
Name  
Case number (if known)

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))  
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  
☐ Railroad (as defined in 11 U.S.C. § 101(44))  
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))  
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))  
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))  
☒ None of the above

B. Check all that apply:

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)  
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)  
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.

See <http://www.naics.com/search/>.

236117

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7  
☐ Chapter 9  
☒ Chapter 11. Check all that apply:

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).  
☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, and it chooses to proceed under Subchapter V of Chapter 11. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).  
☐ A plan is being filed with this petition.  
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).  
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.  
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

☒ No

☐ Yes. District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
MM / DD / YYYY  
District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
MM / DD / YYYY

If more than 2 cases, attach a separate list.

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

☐ No

☒ Yes. Debtor DeNardo Capital Management LLC Relationship Parent  
District SDNY When 02/16/2021  
MM / DD / YYYY  
Case number, if known 21-22098

List all cases. If more than 1, attach a separate list.

Debtor DeNardo Capital II LLC  
Name  
Case number (if known)

11. Why is the case filed in *this district*?

Check all that apply:

- ☐ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

- ☒ No
- ☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.  
What is the hazard? \_\_\_\_\_
- ☐ It needs to be physically secured or protected from the weather.
- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- ☐ Other \_\_\_\_\_

Where is the property?

Number Street  
\_\_\_\_\_  
City State ZIP Code

Is the property insured?

- ☐ No
- ☐ Yes. Insurance agency \_\_\_\_\_
- Contact name \_\_\_\_\_
- Phone \_\_\_\_\_

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000   | <input type="checkbox"/> 25,001-50,000     |
| <input type="checkbox"/> 50-99           | <input type="checkbox"/> 5,001-10,000  | <input type="checkbox"/> 50,001-100,000    |
| <input type="checkbox"/> 100-199         | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999         |  |  |

15. Estimated assets

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> \$0-\$50,000          | <input type="checkbox"/> \$1,000,001-\$10 million             | <input type="checkbox"/> \$500,000,001-\$1 billion     |
| <input type="checkbox"/> \$50,001-\$100,000    | <input checked="" type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion  |
| <input type="checkbox"/> \$100,001-\$500,000   | <input type="checkbox"/> \$50,000,001-\$100 million           | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million          | <input type="checkbox"/> More than \$50 billion        |

Debtor DeNardo Capital II LLC Case number (if known) \_\_\_\_\_  
Name

16. Estimated liabilities

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> \$0-\$50,000          | <input type="checkbox"/> \$1,000,001-\$10 million             | <input type="checkbox"/> \$500,000,001-\$1 billion     |
| <input type="checkbox"/> \$50,001-\$100,000    | <input checked="" type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion  |
| <input type="checkbox"/> \$100,001-\$500,000   | <input type="checkbox"/> \$50,000,001-\$100 million           | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million          | <input type="checkbox"/> More than \$50 billion        |

**Request for Relief, Declaration, and Signatures**

**WARNING --** Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 02/16/2021  
MM / DD / YYYY

**X** /s/ Joseph DeNardo

Signature of authorized representative of debtor

Joseph DeNardo

Printed name

Title Manager

18. Signature of attorney

**X** /s/ Dawn Kirby

Signature of attorney for debtor

Date 02/16/2021

MM / DD / YYYY

Dawn Kirby

Printed name

Kirby Aisner & Curley LLP

Firm name

700 Post Road Suite 237

Number Street

Scarsdale

City

NY

State

10583

ZIP Code

(914) 401-9500

Contact phone

dkirby@kacllp.com

Email address

2733004

Bar number

NY

State

United States Bankruptcy Court  
Southern District of New York

In re: DeNardo Capital II LLC

Case No.

Chapter 11

Debtor(s)

**Verification of Creditor Matrix**

The above-named Debtor(s) hereby verify that the attached list of creditors is true and correct to the best of their knowledge.

Date: 02/16/2021

/s/ Joseph DeNardo

Signature of Individual signing on behalf of debtor

Manager

Position or relationship to debtor

Akerman LLP  
520 Madison Avenue, 20th Floor  
Attn: Mark Lichtenstein  
New York, NY 10022

Town of Greenburgh  
Tax Dept.  
177 Hillside Avenue  
Greenburgh, NY 10607

GRCH Architecture PC  
3750 Express Drive South/  
Ste 202  
Islandia, NY 11749

Village of Irvington  
Tax Department  
85 Main Street  
Irvington, NY 10533

Heller & Fillipone  
925 Westchester Avenue  
Ste 103  
West Harrison, NY 10604

Village of Irvington  
85 Main Street  
Village Manager  
Irvington, NY 10533

Internal Revenue Service  
Centralized Insolvency Operations  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Ward Carpenter Engineers Inc.  
76 Mamaroneck avenue  
White Plains, NY 10601

JMC Site Development Consultants  
120 Bedford Road  
Armonk, NY 10504

Zee Bridge Capital LLC  
450 Lexington Avenue  
New York, NY 10017

NYC Corporation Counsel  
100 Church Street, RM 5-240  
Attn: Bankruptcy Dept.  
New York, NY 10007

NYC Dept. of Finance  
345 Adams Street, 3rd Floor  
Brooklyn, NY 11201

NYS Dept. Taxation & Finance  
Bankruptcy/ Special Procedures Section  
P.O. Box 5300  
Albany, NY 12205-0300

Office of the United States Trustee  
201 Varick Street, Ste. 1006  
New York, NY 10014

Silver Point Finance LLC  
Two Greenwich Plaza  
1ST Floor  
Greenwich, CT 06830

Specialty Credit Holdings LLC  
Two Greenwich Plaza  
1st Floor  
Greenwich, CT 06830

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

DeNardo Capital II LLC

Chapter 11  
Case No.: 21-

Debtor.

-----X

**STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION**

I, Joseph DeNardo, declare under penalty of perjury that I am a Manager of DeNardo Capital II LLC (the "Company"), and that the following is a true and correct copy of the resolutions adopted by the Board of Managers of the Company at a special meeting duly called and held on February 16, 2021.

"Whereas it is in the best interest of this Company to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved that Joseph DeNardo, Manager of this Company, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the Company; and

Be It Further Resolved that Joseph DeNardo, Manager of this Company, is authorized and directed to appear in all bankruptcy proceedings on behalf of the Company, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the Company in connection with such bankruptcy case, and

Be It Further Resolved that Joseph DeNardo, Manager of this Company is authorized and directed to employ Kirby Aisner & Curley LLP to represent the Company in such bankruptcy case."

Dated: Irvington, New York  
February 16, 2021

DeNardo Capital II LLC

By: /s/ Joseph DeNardo  
Joseph DeNardo, Manager

**Resolution of Board of Managers  
Of  
DeNardo Capital II LLC**

Whereas it is in the best interest of this Company to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved that Joseph DeNardo, Manager of this Company, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the Company; and

Be It Further Resolved that Joseph DeNardo, Manager of this Company is authorized and directed to appear in all bankruptcy proceedings on behalf of the Company, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the Company in connection with such bankruptcy case, and

Be It Further Resolved that Joseph DeNardo, Manager of this Company is authorized and directed to employ Kirby Aisner & Curley LLP to represent the Company in such bankruptcy case.

Dated: Irvington, New York  
February 16, 2021

/s/ Joseph DeNardo  
\_\_\_\_\_  
Joseph DeNardo Manager